

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TWIN VILLAGE MANAGEMENT,
LLC; DAVID MATTHEW
STANLEY; STEVE STANLEY;
WCP GROUP GP, LLC;
HUNTINGTON CREEK CAPITAL
IV, LLC; HUNTINGTON CREEK
CAPITAL VI, LLC; and
HUNTINGTON CREEK CAPITAL
VII, LLC,

Plaintiffs,

v.

FEDERAL INSURANCE
COMPANY CHUBB GROUP OF
INSURANCE COMPANIES;
CHUBB INDEMNITY INSURANCE
COMPANY; CHUBB NATIONAL
INSURANCE COMPANY;
ARTHUR J. GALLAGHER RISK
MANAGEMENT SERVICES, INC.;
and ARTHUR J. GALLAGHER &
CO.,

Defendants.

1:22-CV-01111-ADA

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Susan Hightower. ECF No. 21. The Report recommends that this Court grant Arthur J. Gallagher & Co.'s Motion to Dismiss (ECF No. 5), Arthur J. Gallagher Risk Management Services, Inc.'s Motion to Dismiss (ECF No. 6), and Federal Insurance Company's and Chubb Defendants' Motion to Dismiss Plaintiffs' Original Complaint (ECF No. 13). The Report further recommends that this Court deny with prejudice Plaintiffs' request for leave to amend and dismiss of Plaintiffs' lawsuit in its entirety. The Report and Recommendation was filed on June 19, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiffs filed objections on July 3, 2023. ECF No. 22. Plaintiffs object to the entirety of the Magistrate Judge’s Report. *Id.* at 22. Defendants Federal Insurance Company, Chubb Group of Insurance Companies, Chubb Indemnity Insurance Company, and Chubb National Insurance Company filed a limited objection. ECF No. 23. These Defendants contend that certain findings of fact in the Report are erroneous, but these facts do not affect the outcome of the Motion to Dismiss. *Id.* at 1–2. Defendants Arthur Gallagher & Co. and Arthur Gallagher Risk Management Services, Inc. filed a response to Plaintiffs’ objections on July 17, 2023. ECF No. 24. Defendants Federal Insurance Company, Chubb Group of Insurance Companies, Chubb Indemnity Insurance Company, and Chubb National Insurance Company filed a response to Plaintiffs’ objections on July 17, 2023. ECF No. 25. The Court has conducted a *de novo* review of the motions to dismiss, responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge’s findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Hightower, ECF No. 21, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiffs’ objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendants Federal Insurance Company, Chubb Group of Insurance Companies, Chubb Indemnity Insurance Company, and Chubb National Insurance Company's objections are **OVERRULED**. For the record, the Court notes that the Report's suggestion that Chubb Group of Insurance Companies is a legal entity and the parent company of the Federal Insurance Company and the other Chubb Defendants is properly based on the Plaintiffs' Complaint. *See* ECF No. 21 at 4 (quoting *In re Great Lakes Dredge & Dock Co. LLC*, 624 F.3d 201, 210 (5th Cir. 2010)) ("In deciding a Rule 12(b)(6) motion to dismiss for failure to state a claim, the court must 'accept all well-pleaded facts as true and construe the complaint in the light most favorable to the plaintiff.'"); ECF No. 23 at 2 (noting that the Report's statement that the other Chubb Defendants are subsidiaries of Chubb Group of Insurance Companies is based on the Plaintiffs' Original Complaint).


IT IS FURTHER ORDERED that Defendant Arthur J. Gallagher & Co.'s Motion to Dismiss (ECF No. 5) is **GRANTED**.

IT IS FURTHER ORDERED that Arthur J. Gallagher Risk Management Services, Inc.'s Motion to Dismiss (ECF No. 6) is **GRANTED**.

IT IS FURTHER ORDERED that Federal Insurance Company's and Chubb Defendants' Motion to Dismiss Plaintiffs' Original Complaint (ECF No. 13) is **GRANTED**.

IT IS FINALLY ORDERED that Plaintiffs' request for leave to amend is **DENIED WITH PREJUDICE**. Plaintiffs' claims are hereby **DISMISSED**. The Court's Clerk is directed to close this case.

SIGNED this 28th day of July, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE